

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case No.: DO-11-0143A
)	
JAMES SCHLICHTING, D.O.)	FINDINGS OF FACT,
Holder of License No. 2796)	CONCLUSIONS OF LAW, AND
)	ORDER
)	
For the practice of osteopathic medicine in)	
the State of Arizona)	

On August 31, 2011, the Arizona Board of Osteopathic Examiners (hereafter "Board") received a complaint against the license of James Schlichting, D.O. (hereafter "Respondent").

On January 10, 2012, the Board received Respondent's response to the complaint.

On June 22, 2013, Respondent and his counsel attended an Investigative Hearing on this matter. Respondent was represented by attorney Glynn Gilcrease.

After hearing testimony and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order for Probation.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 2796 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

3. On August 31, 2011, S.T. filed a complaint with the Board against Respondent. Respondent treated S.T.'s wife, S.T., from July 2009 through July 2011.

4. Respondent had a romantic relationship with patient S.T. during the time she was a patient.

5. Respondent failed to obtain a pharmacy audit on patient S.T.

6. Respondent failed to act when he was notified by a Fry's pharmacist that patient S.T. was using multiple pharmacies in October 2010.

7. Respondent failed to recognize signs of drug abuse and possible diversion in patient S.T.

8. Respondent prescribed rather large amounts of controlled substances to patient S.T. during the months of December 2010, January 2011, February 2011, and March 2011.

CONCLUSIONS OF LAW

9. The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers a patient or the patient's health or may reasonably be expected to do so."

10. The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (6), which states "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."

11. The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (42), which states “Engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee’s spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with the licensee. For the purposes of this paragraph, “sexual conduct” includes:

1 (a) Engaging in or soliciting sexual relationships, whether consensual or
2 nonconsensual.

3 (b) Making sexual advances, requesting sexual favors or engaging in any other
4 verbal conduct or physical conduct of a sexual nature.
5

6 **ORDER**

7 Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED** that James
8 Schlichting, D.O, holder of osteopathic medical License number 2796 is issued a **DECREE OF**
9 **CENSURE.**

10 1. **IT IS HEREBY FURTHER ORDERED** that Respondent shall, within six months,
11 attend the PACE Prescribing Course for Continuing Medical Education (CME) and provide Board
12 staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours
13 required for biennial renewal of his osteopathic medical license. The CME will require pre-
14 approval from the Board's Executive Director. Physician's failure to complete the CME may
15 subject him to future disciplinary action by the Board.

16 2. The Board recognizes and accepts that Respondent has completed the PACE
17 Professional Boundaries course during May 2012.

18 3. **Obey All Laws.** Physician shall obey all federal, state and local laws, and all
19 rules governing the practice of medicine in the State of Arizona.

20 4. **Costs:** Respondent shall bear all costs incurred regarding compliance with this
21 Order.

22 5. **Failure to Comply / Violation:** Respondent's failure to comply with the
23 requirements of this Order shall constitute an allegation of unprofessional conduct as defined
24 at A.R.S. § 32-1854(25); proven violations may be grounds for further disciplinary action (e.g.,
25 suspension or revocation of license).



ISSUED THIS 2nd DAY OF JULY 2013.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Jenna Jones
Jenna Jones, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing, that motion must be based on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Original "Findings of Fact, Conclusions of Law and Order for Probation"
Filed this 2nd day of July, 2013 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

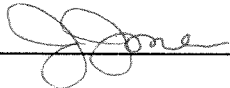
1 Copy of this "Findings of Fact, Conclusions of Law and Order for Probation"
2 sent by certified mail, return receipt requested this 2nd day of July, 2013 to:

3 James Schlichting, D.O.
4 Address of Record

5 Copies of this "Findings of Fact, Conclusions of Law and Order for Probation"
6 Sent via U.S. Mail, this 2nd day of July, 2013 to:

7 Glynn Gilcrease, Esq.
8 Attorney At Law
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10 Tempe, AZ 85282

11 Jeanne Galvin, AAG
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